



UNITED STATES DISTRICT COURT
NORTHER DISTRICT OF ILLINOIS
EASTERN DIVISION

HERTZBERG ERNST & SONS, d/b/a
MONASTERY HILL BINDERY,

Plaintiff,

v.

LOUIS VUITTON MALLETIER, LOUIS
VUITTON NORTH AMERICA, INC., a
Delaware corporation, and LOUIS VUITTON,
U.S.A., INC., a Delaware Corporation,

Defendants.

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08CV4661
JUDGE ZAGEL
MAG.JUDGE ASHMAN
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DD
FILED
Aug 15 2008
AUG 15 2008

NOTICE OF FILING

To: Michael Pantalony
Director of Civil Enforcement, North America
Louis Vuitton Malletier
19 East 57th Street
New York, NY 10022

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

Please take notice that on **August 15, 2008**, we filed with the Clerk of the United States District Court for the Northern District of the Illinois, Eastern Division, **Plaintiff's Complaint for Declaratory relief for Non-Infringement of Trademark**, a copy of which is attached hereto and herewith served upon you.

CERTIFICATE OF SERVICE

I, the undersigned, non-attorney, certify; that I served this notice by mailing a copy to the above-named parties, at the above-mentioned addresses, and depositing the same in the U.S. mail at 200 West Adams Street, Chicago, Illinois, at 5:00 p.m. on the 15th day of August, 2008, with proper postage prepaid.

Swanna M. Speer



UNITED STATES DISTRICT COURT
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HERTZBERG ERNST & SONS, d/b/a
MONASTERY HILL BINDERY,

Plaintiff,

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LOUIS VUITTON MALLETIER, LOUIS
VUITTON NORTH AMERICA, INC., a
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**COMPLAINT FOR DECLARATORY RELIEF
RE NON-INFRINGEMENT OF TRADEMARK**

Plaintiff, HERTZBERG ERNST & SONS, d/b/a MONASTERY HILL BINDERY ("Monastery Hill" or "Plaintiff"), by its undersigned attorneys and for its Complaint for Declaratory Relief against Defendants, LOUIS VUITTON MALLETIER, LOUIS VUITTON NORTH AMERICAN, INC., and LOUIS VUITTON, U.S.A., INC. (collectively, "Vuitton"), states as follows.

Nature of the Action

1. This is a civil action seeking declaratory relief pursuant to the Declaratory Judgment Act, 28 U.S.C. §2201. Defendant Vuitton is the owner of several registered trademarks (the "Marks") in Class 18 (Leather Goods) for a series of designs it calls "Epi Leather," which consist of "raised wavy lines on leather." Vuitton uses the Marks in conjunction with certain personal luxury goods made out of genuine leather such as luggage, handbags, briefcases, portfolios, purses and wallets, which are sold in various retail outlets. Vuitton has recently claimed that Monastery Hill has used a confusingly similar patterns in conjunction with its wholesale bindery goods, which

include binders, menus, notepads and meeting room accessories supplied to hotel chains and restaurants, thereby infringing on the Marks. Vuitton has also threatened to sue Monastery Hill if it does not immediately cease its use of allegedly infringing patterns and account to Vuitton. Due to these threats, Monastery Hill seeks a declaration that its use of the patterns at issue do not infringe upon Vuitton's Marks, and are not likely to cause confusion as to the source of the parties' respective goods or the affiliation, sponsorship or approval thereof.

The Parties

2. Plaintiff Monastery Hill is an Illinois corporation with a principal place of business is 1751 West Belmont Avenue, Chicago, Illinois 60657.

3. Monastery Hill manufactures, markets and sells a variety of wholesale bindery products to hotels, resorts and restaurants, including but not limited to guest room binders,¹ menu covers, wine lists, check presenters and other hospitality related products. Monastery Hill does not make these products in genuine leather, but instead uses urethane obtained from its material suppliers. Monastery Hill does not create or design any of the patterns used on the urethane material, but instead selects them from its suppliers' samples. The ultimate "consumers" to whom Monastery Hill markets its wholesale urethane wares are mainly hotel and restaurant managers and buyers.

4. On information and belief, Defendant Vuitton is a French Corporation doing business in the U.S. from its principal place of business at 19 East 57th Street, New York, New York 10022.

¹ Hotels and resorts typically use these room binders to give their guests information about the hotel and its amenities, area restaurants, transportation, etc.

5. Vuitton manufactures and sells, among other things, a variety of luxury fashion and genuine leather goods, including clothing, luggage, purses, wallets, bags and other personal accessories. It markets its goods primarily to their end users, mainly in stand-alone retail outlets, high-end fashion boutiques and department stores.

Jurisdiction and Venue

6. This Court has subject matter jurisdiction over this claim pursuant to 28 U.S.C. § 1331 because this action arises under the laws of the United States, including the Lanham Act, 15 U.S.C. §§ 1051 *et seq.*, and the Declaratory Judgment Act, 28 U.S.C. § 2201.

7. Vuitton is subject to personal jurisdiction in this District, as it is currently doing and at all relevant times has regularly done business within it. In addition, Vuitton is subject to personal jurisdiction in this District because it has directed its litigation and other threats to Monastery Hill in this District.

8. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2) and (3) because a substantial part of the events giving rise to the claim occurred in this District, a substantial part of the property that is the subject of the action is situated in this District, and Vuitton may be found in this District.

FACTS

9. Monastery Hill has been manufacturing and supplying hotels and restaurants with menu covers, guest room binders, wine lists and various hospitality accoutrements since 1867. Monastery Hill markets and sells its goods primarily to managers and buyers acting on behalf of the aforementioned entities and almost always in bulk amounts.

10. Last year, 100% of Monastery Hill's sales were wholesale to the hospitality industry; it never sells any of its goods at the retail level.

11. Monastery Hill has never produced handbags, purses, wallets, luggage or any other genuine leather personal items or fashion accessories for sale at retail shopping outlets.

12. Monastery Hill recently began purchasing urethane material to manufacture its guest room binders and notepads in a pattern dubbed by its supplier as "g fall." The "g fall" pattern consists of vertical raised lines embossed on the urethane. Monastery Hill recently sold such binders and note pads to one or more Grand Hyatt hotels.

13. On information and belief, the supplier from which Monastery Hill purchased the urethane with the "g fall" pattern has been selling it or very similar patterns to myriad other manufacturers of bindery products for approximately 20 years.

14. The "g fall" pattern and other patterns bearing similar raised, wavy lines are commonly used in the manufacture of binders, menus and books. There are only so many ways material suppliers and manufacturers of bindery products can give urethane a textured and/or grained appearance.

15. On information and belief, Vuitton has been manufacturing handbags and other genuine leather personal goods bearing what it calls its "Epi Leather" pattern since the late 1980s or early 1990s. Its goods, particularly its handbags, are quite popular and have inspired many personal goods manufacturers to produce replicas of its designs, including handbag replicas bearing the "Epi Leather" pattern. These replicas are typically priced much lower than genuine Vuitton goods at retail. See attached Exhibit A.

16. On information and belief, and notwithstanding its awareness of the same, Vuitton has not sought legal action against the manufacturers of replica handbags bearing the

"Epi Leather" pattern, or the material suppliers that make urethane or other materials with such patterns. On information and belief, the quality of the replica products bearing the "Epi Leather" patterns are significantly lower than that of goods produced by Vuitton itself.

17. On August 6, 2008, Vuitton's Director of Civil Enforcement, North America, Michael Pantalony, wrote to Monastery Hill, asserting Vuitton's trademark rights in the Epi-Leather pattern, among other things. A true and correct copy of that correspondence is attached hereto as Exhibit B.

18. Vuitton's letter further accuses Monastery Hill of manufacturing and selling "leather portfolios and other products bearing unauthorized copies or counterfeits of the Epi Leather Trademarks," and stated that Monastery Hill's activities in this regard "constitutes actionable trademark counterfeiting, trademark infringement, false designation of origin, unfair competition and false advertising." *Id.*

19. Vuitton also demanded that Monastery Hill immediately cease and desist from further manufacture and sales of the allegedly infringing products, identify the source of the allegedly infringing products, and identify the dollar amounts in sales Monastery Hill has earned from the allegedly infringing products. *Id.*

20. Vuitton's letter closes with the admonition that if Monastery Hill does not comply with its demands within ten (10) days, Vuitton will "take all steps necessary to protect the valuable Epi Leather Trademarks." *Id.*

21. Vuitton's accusations and threats, as aforesaid, were meant to cause and have in fact caused Monastery Hill to reasonably apprehend that Vuitton will sue it for trademark infringement and/or unfair competition. Monastery Hill generally denies the accusations of Vuitton's recent letter and specifically denies that: (a) it sells any genuine leather bindery

products; and (b) its sale of urethane bindery products bearing the supplier's "g fall" pattern infringe on Vuitton's alleged trademark rights or violate any other law. An action for declaratory judgment regarding the non-infringing nature of Monastery Hill's activities is therefore appropriate, and a live controversy exists between the parties that may be resolved by this Court.

COUNT I

Declaratory Relief of Non-Infringement

22. Monastery Hill hereby adopts and incorporates the allegations of paragraphs 1-21 above, as if fully set forth herein.

23. Vuitton contends that: (a) it owns a valid trademark in the Epi Leather pattern/design; (b) Monastery Hill has used a similar pattern on leather bindery products; and (c) Monastery Hill's use of the "g fall" pattern on those leather bindery products constitutes trademark infringement and counterfeiting, as well as false designation of origin, unfair competition and false advertising.

24. Monastery Hill contends on information and belief that Vuitton's alleged trademark rights are invalid for one or more reasons. Furthermore, assuming that Vuitton's rights in the Epi Leather pattern are valid, Monastery Hill contends on information and belief that Vuitton should be precluded from enforcing those rights on one or more grounds such as laches, estoppel, naked licensing and/or abandonment. Most importantly, Monastery Hill contends that its use of the "g fall" pattern on urethane bindery goods is not likely to cause actual or prospective customer confusion for a variety of reasons.

25. In order to prevail on a claim of infringement of a registered trademark or false designation of origin under the Lanham Act (15 U.S.C. §§ 1114 and 1125), Vuitton must

establish: (1) that it has a protectible trademark; and (2) a likelihood of confusion as to the origin of the defendant's product. *Ty, Inc. v. Jones Group, Inc.*, 237 F.3d 891, 897 (7th Cir. 2001). In determining whether a likelihood of confusion exists under section 1114 and 1125, the Seventh Circuit weighs the following seven factors: (1) the similarity of the marks in appearance and suggestion; (2) the similarity of the products in connection with which the marks are used; (3) the area and manner of the marks' concurrent use; (4) the degree of care likely to be used by consumers; (5) the strength of the plaintiff's mark; (6) whether any actual confusion exists; and (7) the defendant's intent to palm off its goods as those of the plaintiff. *Id.*; *Nike, Inc. v. Just Did It Enterprises*, 6 F.3d 1225, 1227-28 (7th Cir. 1993). The same analysis applies in determining liability under Illinois common law unfair competition, common law trademark infringement and the Illinois Uniform Deceptive Trade Practices Act, 815 ILCS 510/2. *See Trans Union, LLC v. Credit Research, Inc.*, 142 F.Supp.2d 1029, 1038 (N.D. Ill. 2001). Although no one factor is decisive, the similarity of the marks, the intent of the defendants and evidence of actual confusion are the most important considerations. *Eli Lilly & Co. v. Natural Answers, Inc.*, 233 F.3d 456, 462 (7th Cir. 2000).

26. In this case, there is no likelihood that actual or prospective purchasers of the parties' respective goods will be confused as to whether they come from the same source, whether there is an affiliation between Monastery Hill and Vuitton, and/or whether Vuitton has somehow sponsored or endorsed Vuitton's products within the meaning of 15 U.S.C. §§1117(a) or 1125(a), or any other applicable laws.

Similarity of the Marks

27. The "g fall" pattern used by Monastery Hill in conjunction with its urethane bindery products is not similar in appearance and suggestion to the Epi Leather patterns of Vuitton.

28. Vuitton's Epi Leather patterns appear most prominently on handbags and other genuine leather couture fashion and personal items, and they are displayed most often wherever they are for sale to the general consuming public, whether in department stores, fashion boutiques or on the Internet. By contrast, the "g fall" pattern used by Monastery Hill appears on its urethane hotel guestroom binders, notepads and menus, which are only for sale via catalog and Internet to hotel and restaurant managers, not the general public.

29. Although the general public may have an opportunity to view Monastery Hill's urethane products with the "g fall" in a hotel guestroom, the hotel guest is not the ultimate purchaser or consumer of the goods bearing the pattern.

30. Furthermore, the allegedly infringing pattern adorning Monastery Hill's urethane bindery goods is merely a means of decoration rather than an indicator of source as to the producer of the particular room-service menu. When viewing the pattern employed by Monastery Hill, the hotel guest will be much more preoccupied with the menu or directory's contents rather than who made the binding containing it.

31. By contrast, a sophisticated consumer in a department store or one of Vuitton's specialty stores will be much more focused on the design and aesthetics of the handbag or other genuine leather article and will be more likely to view particular design features like the Epi Leather pattern as an indicator of source.

Similarity of the Products

32. When products are dissimilar or not closely related, consumers will not reasonably believe that they come from the same source or are somehow affiliated. In this case, the parties' respective wavy-lined products are in fact dissimilar.

33. Vuitton uses its marks/patterns on "luxury merchandise" made in genuine leather such as luggage, handbags, cosmetic, vanity and toiletry cases, backpacks, handbags, shoulder bags, tote bags, briefcases and attaché cases, briefcase-type portfolios, pocketbooks, purses, wallets, billfolds, business card holders, and key cases in class 18. See Exhibit B. All of these are personal items that individual consumers purchase for their individual use, often as a mark of fashion consciousness and/or high fashion sense, and all of them bear a fairly hefty price tag.

34. In contrast, the "g fall" pattern used by Monastery Hill only appears on hotel menus and guest room binders, which fall into Class 16. See attached Exhibit C. These items are purely functional and are purchased only by hotel managers and suppliers for use by a continuous stream of different guests. Again, their function is purely decorative rather than source-indicative, and do not operate to signal to the menu or guestroom binder user that he or she is purchasing a high-quality product or that he or she is fashionably sophisticated.

Area and Manner of Concurrent Use

35. Monastery Hill's and Vuitton's respective marketing outlets are also sufficiently disparate to militate against a finding of likelihood of confusion.

36. As set forth above, Vuitton's handbags, briefcases, wallets, etc. are marketed in retail outlets, high-end boutiques, and on the Internet for sale to the general consuming public in individual units for the consumers' personal individual use.

37. By contrast, Monastery Hill's menu and directory covers are sold directly to a much narrower demographic, *i.e.* hotel and restaurant managers, and only advertised directly to those managers, in trade catalogs and on Monastery Hill's website. Furthermore, the items Monastery Hill purveys are sold primarily in bulk for collective use by hundreds if not thousands of hotel and restaurant patrons. They are purchased for the purpose of attaining a uniform look for hotel rooms and restaurant tables; they are not purchased as means of individual expression of one's fashion sense.

Degree of Care Likely to be Exercised by Consumers

38. Although Vuitton's and Monastery Hill's respective customer bases are admittedly dissimilar, they are both likely to exercise a high a degree of care and scrutiny in purchasing the patterned goods at issue and, therefore, are not likely to be confused by Monastery Hill's use of the "g fall" pattern on urethane bindery goods.

39. More specifically, the products bearing Vuitton's Epi Leather pattern tend to carry a large price tag, often over \$1,000 for a single handbag. Shoppers seeking to purchase Vuitton handbags or other luxury fashion products are almost always conscious of such an item's price and are equally aware of the cache that ownership of such an item instills. Such consumers are therefore not at all likely to mistake a more functional item like a directory or menu cover as having originated from Vuitton.

40. Furthermore, the experiences of the Parties' respective consumers at both the point of purchase and afterward are highly distinct. A consumer purchasing and later using a Vuitton Epi Leather handbag is, again, evaluating such an item for its style and fashionability and does so most often in the context of their individual use of that item. By contrast, one

looking to purchase Monastery Hill menu or directory cover is evaluating such an item for purposes of its aesthetics with respect to the décor and overall appearance of a hotel room or restaurant dining room.

The Strength of Vuitton's Mark

41. On information and belief, Vuitton's Epi Leather marks are not strong because they consist of a pattern commonly used by material suppliers and product manufacturers in the bindery product industry. Vuitton should not be permitted to exclude bindery product manufacturers or urethane suppliers from utilizing similar patterns, particularly because, on information and belief, Vuitton neither makes nor intends to make urethane or bindery products.

42. Raised wavy lines are essential design elements urethane suppliers and bindery product manufacturers need in order to give their products aesthetic value and a textured or grained finish. They cannot be limited to patterns of dots, studs, squares or outright smoothness. Vuitton's Epi Leather designs are not strong source-indicators in the bindery goods arena in which Monastery Hill sells its urethane products.

Actual Confusion

43. Monastery Hill is not aware of any instances of actual confusion between its customers and those of Vuitton's Epi Leather products, nor has Vuitton in its recent letter alleged any.

Monastery Hill's Intent

44. Monastery Hill was not aware of Vuitton's trademarks or alleged ownership of the so-called Epi Leather patterns, nor had any intent of profiting from the alleged goodwill thereof.

On the contrary, Monastery Hill thought that the phrase Epi Leather was some common industry term referring to the g fall pattern or patterns like it.

WHEREFORE, Plaintiff Hertzberg Ernst & Sons d/b/a Monastery Hill Bindery prays for the following relief:

(a) A declaratory judgment that Monastery Hill's use of Fall Agenda and similar patterns on menu and directory covers in Class 18 does not constitute infringement of Vuitton's trademark rights in its Epi Leather marks for luggage and leather fashion goods in Class 16, and that Monastery Hill's use of the Fall Agenda pattern does not constitute false designation of origin, common law trademark infringement, unfair competition or violation of the Illinois Uniform Deceptive Trade Practices Act; and

(b) awarding Monastery Hill such other or further relief as this Court deems just, including according to the circumstances a declaration that Vuitton's marks are invalid for one or more of the reasons set forth above.

COUNT II

Declaratory Relief of Non-Dilution

45. Monastery Hill hereby adopts and incorporates the allegations of paragraphs 1 – 44 above, as if fully set forth herein.

46. Vuitton has taken the position that its "Epi Leather" design marks are famous and that Monastery Hill's use of the "g fall" pattern on its urethane menus and guestroom binderies dilutes, blurs and tarnishes the marks in violation of the federal trademark dilution statute, 15 U.S.C. § 1125(c).

47. Monastery contends that because it has used the Fall Agenda pattern on goods disparate from those manufactured and sold by Vuitton, such use in no way causes dilution of the Epi Leather marks and therefore is not actionable under either the Federal or Illinois Trademark Dilution Act (765 ILCS 1035/15).

48. In order to sustain a claim for federal trademark dilution, a plaintiff must prove that: (1) its mark is famous; (2) the defendant adopted its own mark after the plaintiff's mark became famous; (3) the defendant's use of its mark causes dilution of the plaintiff's mark; and (4) the defendant uses its mark in commerce.

49. A claim for dilution under the Illinois act requires similar proof, excepting only that the plaintiff's mark must be "strong." Dilution occurs where there is an association between the plaintiff's mark and the defendant's mark such that the defendant's use of its mark impairs the distinctiveness of the plaintiff's mark. 15 U.S.C. § 1125(c)(2)(B).

50. Among the factors to be considered in assessing whether a famous mark has been diluted are: (1) the degree of similarity between the plaintiff's and defendant's marks; (2) the degree of inherent or acquired distinctiveness of the famous mark; (3) the extent to which the owner of the famous mark engages in substantially exclusive use of the mark; (4) the degree of recognition of the famous mark; (5) whether the defendant intended to create an association with the famous mark; and (6) any actual association between the plaintiff's and defendant's marks. 15 U.S.C. § 1125(c)(2)(B)(i) - (vi).

51. On information and belief, Vuitton's Epi Leather marks are not famous.

52. In any event, Monastery Hill's use of the Fall Agenda design in no way impairs the distinctiveness of Vuitton's Epi Leather marks for the reasons set forth above.

WHEREFORE, Plaintiff Hertzberg Ernst & Sons d/b/a Monastery Hill Bindery prays for the following relief:

(a) A declaratory judgment that Monastery Hill's use of Fall Agenda and similar patterns on menu and directory covers in does not constitute dilution of Vuitton's trademark rights in its Epi Leather marks for luggage and leather fashion goods, and that Monastery Hill's use of the Fall Agenda pattern does not constitute a violation of either federal or Illinois anti-dilution statutes; and

(b) awarding Monastery Hill such other or further relief as this Court deems just.

HERTZBERG ERNST & SONS, d/b/a
MONASTERY HILL BINDERY,

By:


One of its attorneys

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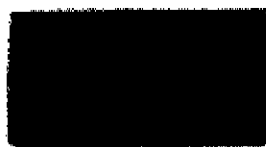
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**LOUIS VUITTON Epi Leather 'Brazza'
Long Men's Wallet Replica - Black
Leather**

LOUIS VUITTON Epi Leather 'Brazza' Long Men's V
- Black Calfsk...

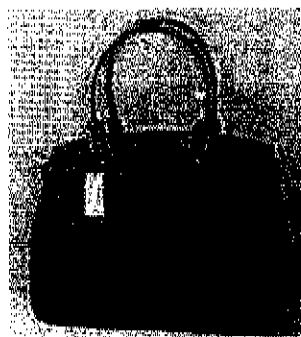
List Price: ~~\$1,500.00~~
Price: \$159.99



**LOUIS VUITTON Epi Leather Briefcase /
Messenger Bag Replica - Black Leather**

Basic briefcase with a twist - a Louis Vuitton twist, th
leathe...

List Price: ~~\$3,000.00~~
Price: \$299.99



**LOUIS VUITTON Epi Leather Passy GM
Replica - Black Leather**

Top quality LV Epi Leather Passy GM replica. Smoc
with Epi Le...

Price: \$299.99

**LOUIS VUITTON Epi Leather Passy
Handbag Replica - Red**

Named for a street in Paris, this bag is a classic. In
leather...

Our NEWEST Replicas

HERMES REPLICA HANDBAGS

- * Birkin 25 Replicas
- * Birkin 30 Replicas
- * Birkin 35 Replicas
- * Birkin 40 Replicas
- * Birkin 42 Replicas
- * Birkin 50 Replicas
- * Kelly Replicas
- * Evelyne Replicas
- * Bolide Replicas
- * Garden Party Tote Replicas
- * Hermes Lindy Replica
- * Picotin Replicas
- * Custom Hermes-Inspired



List Price: ~~\$3,600.00~~
Price: \$299.99

LOUIS VUITTON REPLICAS

- * LV Antiqua Replicas
- * LV Classic Monogram Canvas
- * LV Epi Leather
- * LV Multicolore
- * LV Globe Shopper
- * LV Monogram Denim
- * LV Damier Canvas
- * LV Suhali Leather
- * LV Monogram Metallics
- * LV Stamped Leather
- * LV Monogram Vernis
- * LV Tobago Leather Replicas
- * LV Mahina Replicas
- * LV Mini Lin Monogram
- * LV Monogram Tisse 2008
- * LV Tahitienne
- * LV Watercolor Replicas
- * LV Monogram Jokes 2008
- * LV Monogram Pulp
- * LV Monogramouflage



LOUIS VUITTON Koala Long Wallet
Replica - Black Epi Leather

LOUIS VUITTON Koala Long Wallet Replica - Black
Louis Vuitton'...

List Price: ~~\$550.00~~
Price: \$199.99

DESIGNER REPLICA HANDBAGS

- * ANYA HINDMARCH Replicas
- * BALENCIAGA Replicas
- * BOTTEGA VENETA Replicas
- * BURBERRY Replicas
- * CARTIER Replicas
- * CELINE Replicas
- * CHANEL Replicas
- * CHLOE Replicas
- * CHRISTIAN DIOR Replicas
- * COACH Replicas
- * DOLCE & GABBANA Replicas
- * FENDI Replicas
- * GOYARD Replicas
- * JIMMY CHOO Replicas
- * GUCCI REPLICAS
- * LOEWE Replicas
- * MARC JACOBS Replicas
- * MIU MIU Replicas

- * MULBERRY Replicas
- * PRADA Replicas
- * SALVATORE FERRAGAMO Replicas
- * THOMAS WYLDE Replicas
- * YVES SAINT LAURENT Replicas
- * VERSACE Replicas

SPECIALTY REPLICA BAGS

- * Laptop Bags & Carriers
- * Luggage Replicas
- * Birkin Replicas
- * Kelly Handbags
- * HOT Metallics
- * Shopping Totes
- * Briefcases & Messenger Bags

DESIGNER REPLICA WALLET

- * CHANEL Replicas
- * CHRISTIAN DIOR Replicas
- * GUCCI Replicas
- * HERMES Replicas
- * LOUIS VUITTON Replicas
- * PRADA Wallet Replicas
- * CHLOE Wallet Replicas

SWIMSUITS REPLICAS

- * LOUIS VUITTON
- * VERSACE Replicas
- * CHANEL Replicas
- * FENDI Replicas
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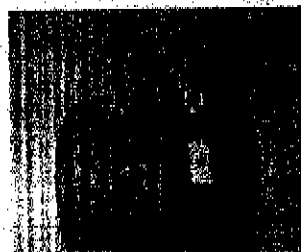
Epi Leather

Product 2/29

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Louis vuitton Epi Leather Alma Red

\$175.00



Louis vuitton Epi Leather Alma Red

Inspired by a shape invented by Gaston Vuitton in the 1930's , Alma is now a classic closes with a double zipper and features two interior pockets.

- Epi leather discreetly stamped with the LV initials , smooth leather handles , tone on tone microfiber lining
- Golden brass pieces for the Red , Black & Mandarin versions , silvery brass pieces for the Blueberry and M
- Double zip-around closure
- Interior pocket , cell phone pocket
- Hand-held
- Padlock

Size: 12.6" x 9.4" x 6.7"

This 7 Star Louis Vuitton Alma Bag comes with: Serial and model numbers , the LV dust bag , LV care bo

Model: M52142R

Customers who bought this product also purchased...



Indy Large Pure Leather - Camel



Louis Vuitton Monogram Mini Lin Croisette Marina GM In Blue

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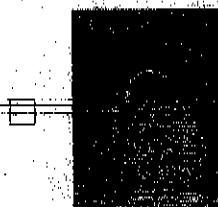
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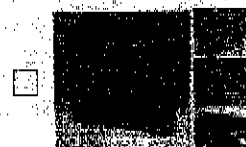


LV Epi Leather Passy GM Bag M5925J

LV Epi Leather Passy GM Bag M5925J, wholesale fashion Handbag, China, knockoff Bag, Replica E Purses, fake Wallets GRADE: AAAAAA+

Market price: 178USD Shop price: 148USD

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LV Epi Leather Jasmin Bag M5208J

LV Epi Leather Jasmin Bag M5208J, wholesale, fashion Handbag, China, knockoff Bag, Replica E Purses, fake Wallets GRADE: AAAAAA+

Market price: 143USD Shop price: 119USD

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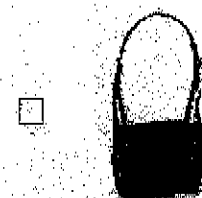


LV Epi Leather Alma Bag M5214J

LV Epi Leather Alma Bag M5214J, wholesale, 20 fashion Handbag, China, knockoff Bag, Replica E Purses, fake Wallets GRADE: AAAAAA+

Market price: 155USD Shop price: 129USD

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LV Epi Leather Mandara Bag PM M5893G

LV Epi Leather Mandara Bag PM M5893G, 2008 Handbag, China wholesaler, knockoff Bag, Replica Purses, fake Wallets GRADE: AAAAAA+

Market price: 126USD Shop price: 105USD

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LV men's bag without handles

LV men's bag without handles, 2008 new fashion Handbag, China wholesaler, knock off Bag, Replica Purses, Wallets GRADE: AAAAAA+

Market price: 118USD Shop price: 98USD

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LV leather briefcase bag m52612 black

LV leather briefcase bag m52612 black, 2008 Handbag, China wholesaler, knock off Bag, Replica Purses, Wallets GRADE: AAAAAA+

Market price: 130USD Shop price: 108USD



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Louis Vuitton Epi Montaigne Bag 5934 White

Louis Vuitton Epi Montaigne Bag 5934 White, Replica Handbags, China, 2007 new Wallets, Purses, Des bags, ladies fashion handBags GRADE: AAAAAA+ Market price: 182USD Shop price: 152USD

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Louis Vuitton Epi Lussac bag m52282 Black

Louis Vuitton Epi Lussac bag m52282 Black, Replica Handbags, China, 2007 new Wallets, Purses, Des bags, ladies fashion handBags GRADE: AAAAAA+ Market price: 151USD Shop price: 126USD

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Louis Vuitton Epi Bowling Montaigne GM Black

Louis Vuitton Epi Bowling Montaigne GM bag 5 Black, Replica Handbags, China, 2007 new Wallets, Purses, Designer bags, ladies fashion handBags GRADE: AAAAAA+ Market price: 190USD Shop price: 158USD

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Louis Vuitton Epi Alma bag m5214E Red

Louis Vuitton Epi Alma bag m5214E Red, Replica Handbags, China, 2007 new Wallets, Purses, Des bags, ladies fashion handBags GRADE: AAAAAA+ Market price: 154USD Shop price: 128USD

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Louis Vuitton Epi Turenne MM bag m5262

Louis Vuitton Epi Turenne MM bag m52622 Black, Replica Handbags, China, 2007 new Wallets, Purses, Des bags, ladies fashion handBags GRADE: AAAAAA+ Market price: 102USD Shop price: 85USD

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Louis Vuitton Epi Speedy 30 bag m59022

Louis Vuitton Epi Speedy 30 bag m59022 Black Handbags, China, 2007 new Wallets, Purses, Des bags, ladies fashion handbags GRADE:AAAAAA
Market price:143USD Shop price:119USD

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CNEX





MAISON FONDÉE EN 1854

By Federal Express and E-mail (info@monastervhill.com)

August 6, 2008

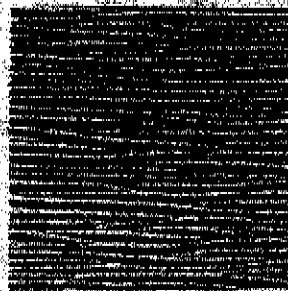
Chris Blair Clark
President
Hertzberg Ernst & Sons,
Monastery Hill Bindery
1751 W. Belmont Avenue
Chicago, IL 60657-3019

Re: Unauthorized Use of Louis Vuitton's "Epi Leather" Trademarks

Dear Mr. Clark,

I am the Director of Civil Enforcement, North America, for LOUIS VUITTON MALLETIER ("Louis Vuitton").

For many years, Louis Vuitton has manufactured and sold leather goods products bearing the "Epi Leather" design shown below, a trademark consisting of raised wavy lines on leather.



Louis Vuitton owns a number of United States federal trademark registrations on the Principal Register of the U.S. Patent and Trademark Office ("USPTO") for the Epi Leather design (including several registrations that are incontestable) for a wide variety of goods, including Reg. Nos. 2,263,903; 1,655,564; 1,931,144; 2,058,732 and 2,098,630 (the "Epi Leather



Y

Trademarks"). Attached as Exhibit A are photocopies of the registrations with the USPTO for the Epi Leather Trademarks. Louis Vuitton owns similar trademarks worldwide.

As a result of Louis Vuitton spending considerable sums on advertising and promoting leather goods bearing the Epi Leather Trademarks, these marks have acquired considerable value, and are well known to the consuming public and trade in the United States and throughout the world as identifying and distinguishing Louis Vuitton exclusively and uniquely as the source of the luxury merchandise to which they are applied. As the owner of the Epi Leather Trademarks, Louis Vuitton has the exclusive right to use these marks in commerce, and has never authorized or consented to you using these registered trademarks or any reproduction, counterfeit, copy or colorable imitation.

Recently, Louis Vuitton has learned that Monastery Hill Bindery ("MHB") has been manufacturing, offering for sale, distributing and selling leather portfolios and other products bearing unauthorized copies or counterfeits of the Epi Leather Trademarks (hereinafter the "Offending Products"). Attached as Exhibit B is a photograph of one of the Offending Products distributed to the Grand Hyatt Washington located in Washington, DC. Moreover, MHB is advertising, promoting and displaying Offending Products on its website at www.monasteryhill.com/guestroom-inroom-dining.cfm, describing one of the Offending Products as "Chestnut Epi Leather". See Exhibit C attached evidencing a depiction of MHB's unauthorized use of the Epi Leather Trademarks.

Your use of reproductions of the Epi Leather Trademarks constitutes actionable trademark counterfeiting, trademark infringement, false designation of origin, unfair competition, and false advertising in violation of federal law (15 U.S.C. §§ 1114, 1125) and state law. Moreover, because the Epi Leather Trademarks are famous and distinctive, and the Offending Products blur and tarnish those marks, your conduct constitutes trademark dilution under federal and state law. A trademark holder can institute a civil action for these claims seeking permanent injunctive relief and an award of treble damages or elect to seek statutory damages of \$1,000,000 per trademark per type of good sold for willful infringement, and counsel fees and costs (15 U.S.C. § 1051 et seq.).

We demand that MHB immediately cease and desist from further manufacture, distribution, offering for sale and sale of the Offending Products and any other product featuring the Epi Leather Trademarks. We also demand that you do the following no later than ten (10) days from your receipt of this letter:

- 1) Confirm in writing that all manufacture, offering for sale, sale, distribution, advertising, promotion and display of the Offending Products has ceased;

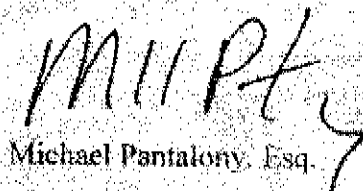
V

- 2) Provide the identity of the source of all of the Offending Products sold or offered for sale by you;
- 3) Surrender all Offending Products in your possession, custody or control;
- 4) Provide the names and addresses of any and all persons or companies to whom the Offending Products have been distributed or sold or by whom orders for any such items have been placed including the details of such sales, orders and total dollar amounts;
- 5) Provide copies of any and all correspondence received or sent by you concerning the Offending Products, including but not limited to consumer inquiries, complaints or agreements between MHB and any seller or vendor of the Offending Products; and
- 6) Provide the total dollar amounts that MHB has earned to date, as well the amounts which are due to MHB as a result of the sales of the Offending Products.

Unless we receive a comprehensive response to this letter, as well as assurances that you have ceased to engage in the infringing conduct described above, **within ten (10) days of the date of this letter**, Louis Vuitton will take all steps necessary to protect the valuable Epi Leather Trademarks.

This letter is written without prejudice to the rights and claims of Louis Vuitton, all of which are hereby expressly reserved.

Sincerely yours,


Michael Pantalony, Esq.

Attachments

EXHIBIT A

Int. Cl.: 18

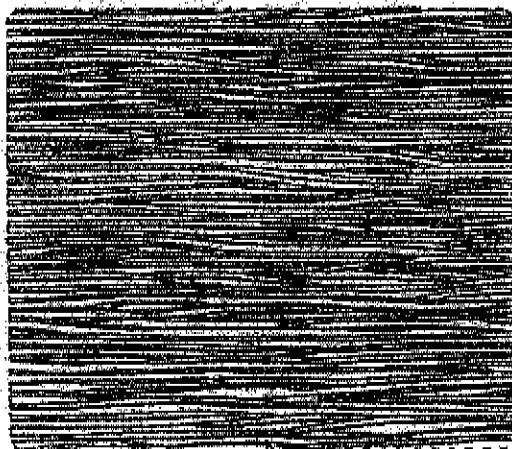
Prior U.S. Cls.: 1, 2, 3, 22 and 41

Reg. No. 2,263,903

United States Patent and Trademark Office

Registered July 27, 1999

TRADEMARK
PRINCIPAL REGISTER



LOUIS VUITTON MALLETIER (FRANCE CORPORATION)
2, RUE DU PONT-NEUF
75001 PARIS, FRANCE

FOR: TRUNKS FOR TRAVELLING, SUIT-CASES, TRAVELLING BAGS, HANDBAGS, LUGGAGE, COSMETIC CASES SOLD EMPTY, VANITY CASES SOLD EMPTY, TOILETRY CASES SOLD EMPTY, BACK PACKS, SHOULDER BAGS, TOTE BAGS, LEATHER SHOPPING BAGS, WAIST PACKS, BRIEFCASES, ATTACHE CASES, BRIEFCASE-TYPE PORTFOLIOS, PURSES, CHANGE PURSES, WALLETS, KEY CASES, DOCUMENT CASES, BUSINESS CARD CASES AND BILLFOLDS, IN CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

FIRST USE 0-0-1985; IN COMMERCE 0-0-1986

OWNER OF U.S. REG. NOS. 1,633,564, 1,931,144 AND OTHERS.

THE MARK CONSISTS OF A DISTINCTIVE MAN-MADE TEXTURED PATTERN UTILIZED AS A SURFACE FEATURE OF APPLICANT'S VARIOUSLY CONFIGURED PRODUCTS. THE PATTERN IS DISPLAYED IN CONTRASTING SHADES OF THE SAME COLOR. THE DARKER SHADE PRESENTED ON THE ELEVATED PORTION OF THE SURFACE AND THE LIGHTER SHADE SERVING AS THE BACKGROUND OR LOWER SURFACE. THE LINING SHOWN IS A FEATURE OF THE MARK AND DOES NOT INDICATE SPECIFIC COLOR. NO CLAIM IS MADE TO THE BROKEN LINES WHICH REFLECT THE POSITIONING OF THE MARK. THE DRAWING SHOWN IN THE APPLICATION DEPICTS A CHANGE PURSE.

SEC. 2(F)

SER. NO. 75-096,435, FILED 4-30-1996

TERESA M. RUPP, EXAMINING ATTORNEY

Int. Cl.: 18

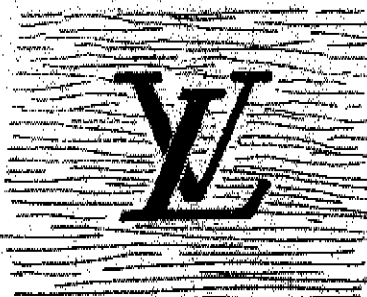
Prior U.S. Cl.: 3

United States Patent and Trademark Office

Reg. No. 1,635,564

Registered Sep. 3, 1991

**TRADEMARK
PRINCIPAL REGISTER**



LOUIS VUITTON (FRANCE CORPORATION)
30 RUE LA BOÉTIE
75008 PARIS, FRANCE

FOR LEATHER AND IMITATION LEATHER LUGGAGE, NAMELY TRAVELLING BAGS, TRUNKS, VALISES, SATCHELS, HAT BOXES FOR TRAVEL, SHOE BOXES FOR TRAVEL, POUCHES, SHOULDER BAGS, TRAVEL KITS AND VANITY CASES SOLD EMPTY AND USED FOR LUGGAGE, AND RUCKSACKS, LEATHER AND IMITATION LEATHER SHOPPING BAGS AND BEACH BAGS, HAND BAGS, POCKETBOOKS, BRIEF-CASES, BRIEFCASE TYPE PORTFOLIOS,

WALLETS, BILLFOLDS, PASSPORT CASES, KEY CASES, CREDIT CARD CASES, BUSINESS CARD CASES AND CHANGE PURSES, IN CLASS 18 (U.S. CL. 3).

FIRST USE 12-31-1987; IN COMMERCE 12-31-1987.

OWNER OF FRANCE REG. NO. 1532303, DATED 5-23-1989, EXPIRES 5-23-1999.

OWNER OF U.S. REG. NOS. 286,345, 1,574,197 AND OTHERS.

SER. NO. 74-033,970, FILED 3-2-1990.

TERESA M. RUFF, EXAMINING ATTORNEY

Int. Cl.: 18

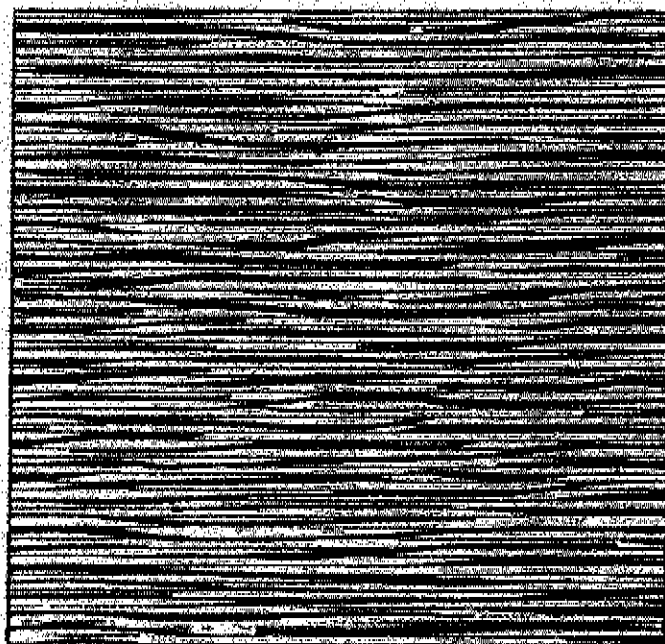
Prior U.S. Cl.: 3

United States Patent and Trademark Office

Reg. No. 1,981,144

Registered Oct. 31, 1995

TRADEMARK
PRINCIPAL REGISTER



MALLETIER, LOUIS VUITTON (FRANCE
CORPORATION)
34, AVENUE MONTAIGNE
75008 PARIS, FRANCE

FOR TRUNKS FOR TRAVELING, SUIT-
CASES, TRAVELING BAGS, HANDBAGS,
LUGGAGE, COSMETIC CASES SOLD EMPTY,
VANITY CASES SOLD EMPTY, TOILETRY
CASES SOLD EMPTY, BACKPACKS, SHOUL-
DER BAGS, TOTE BAGS, LEATHER SHOP-
PING BAGS, WAIST PACKS, BRIEFCASES, AT-
TACHE CASES, BRIEFCASE-TYPE PORTFO-
LIOS, PURSES, CHANGE PURSES, WALLETS,

KEY CASES, DOCUMENT CASES, BUSINESS
CARD CASES AND BILLFOLDS, IN CLASS 18
(U.S. CL. 3)

OWNER OF FRANCE REG. NO. 1-399-708,
DATED 3-17-1987, EXPIRES 3-17-1997

THE DRAWING IS LINED FOR THE COLOR
LIGHT BLUE THE SOLID WAVY LINES IN
THE DRAWING ARE DARK BLUE. COLOR IS
CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 74-562,190, FILED 8-17-1994

JEFFREY LOOK, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

Reg. No. 2,058,732

United States Patent and Trademark Office

Registered May 6, 1997

**TRADEMARK
PRINCIPAL REGISTER**



LOUIS VUITTON MALLETIER (FRANCE COR-
PORATION)
54, AVENUE MONTAIGNE
75008 PARIS, FRANCE

FOR: TRUNKS FOR TRAVELLING, SUIT
CASES, TRAVELLING BAGS, HANDBAGS,
LUGGAGE, COSMETIC CASES (SOLD
EMPTY), VANITY CASES (SOLD EMPTY), TOI-
LETRY CASES (SOLD EMPTY), BACK PACKS,
SHOULDER BAGS, TOTE BAGS, LEATHER
SHOPPING BAGS, WAIST PACKS, BRIEF-
CASES, ATTACHE CASES, BRIEFCASE TYPE
PORTEFOLIOS, PURSES, CHANGE PURSES,
WALLETS, KEY CASES, DOCUMENT CASES,

BUSINESS CARD CASES AND BILLFOLDS, IN
CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

PRIORITY CLAIMED UNDER SEC. 44(D) ON
FRANCE APPLICATION NO. 95/563929, FILED
3-20-1995, REG. NO. 95/563929, DATED
3-20-1995, EXPIRES 3-20-2005.

OWNER OF U.S. REG. NO. 1,931,144.

THE MARK CONSISTS OF RAISED DARK
RED WAVY LINES ON A LIGHTER RED
BACKGROUND. THE COLOR RED IS
CLAIMED AS A FEATURE OF THE MARK.

SER. NO. 74-730,993, FILED 9-19-1995.

ANNE PHILLIPS, EXAMINING ATTORNEY

Int. Cl.: 18

Prior U.S. Cls.: 1, 2, 3, 22 and 41

Reg. No. 2,098,630

United States Patent and Trademark Office

Registered Sep. 23, 1997

**TRADEMARK
PRINCIPAL REGISTER**



LOUIS VUITTON MALLETIER (FRANCE COR-
PORATION)
54, AVENUE MONTAIGNE
75008 PARIS, FRANCE

FOR: TRUNKS FOR TRAVELLING, SUIT-
CASES, TRAVELLING BAGS, HANDBAGS,
LUGGAGE, COSMETIC CASES (SOLD
EMPTY), VANITY CASES (SOLD EMPTY), TOI-
LETRY CASES (SOLD EMPTY), BACK PACKS,
SHOULDER BAGS, TOTE BAGS, LEATHER
SHOPPING BAGS, WAIST PACKS, BRIEF-
CASES, ATTACHE CASES, BRIEFCASE-TYPE
PORTFOLIOS, PURSES, CHANGE PURSES,
WALLETS, KEY CASES, DOCUMENT CASES,

BUSINESS CARD CASES AND BILLFOLDS, IN
CLASS 18 (U.S. CLS. 1, 2, 3, 22 AND 41).

PRIORITY CLAIMED UNDER SEC. 44(D) ON
FRANCE APPLICATION NO. 95/563928, FILED
3-20-1995, REG. NO. 95/563928, DATED
3-20-1995, EXPIRES 3-20-2005.

OWNER OF U.S. REG. NO. 1,931,144.

COLOR IS CLAIMED AS A FEATURE OF
THE MARK.

THE MARK CONSISTS OF RAISED BLACK
WAVY LINES ON A BLACK BACKGROUND.

SER. NO. 74-730,994, FILED 9-19-1995.

ANNE PHILLIPS, EXAMINING ATTORNEY

EXHIBIT B



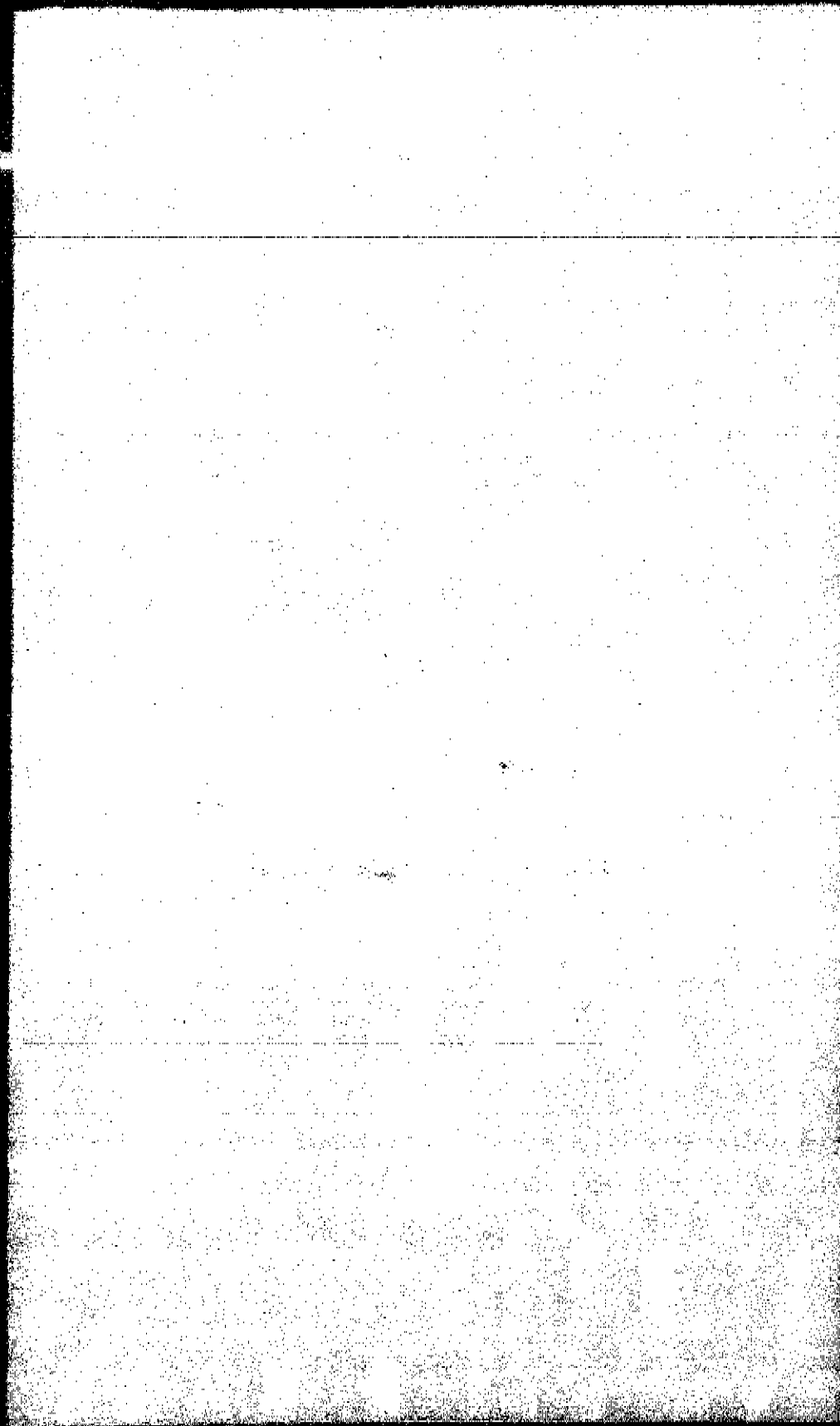


EXHIBIT C



MONASTERY HILL BINDERY

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 - Table Tents
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 - Corporate Gifts
 - Conference Room Products
- Product Showcase
- Contact Us

HOTEL / RESORT PRODUCTS

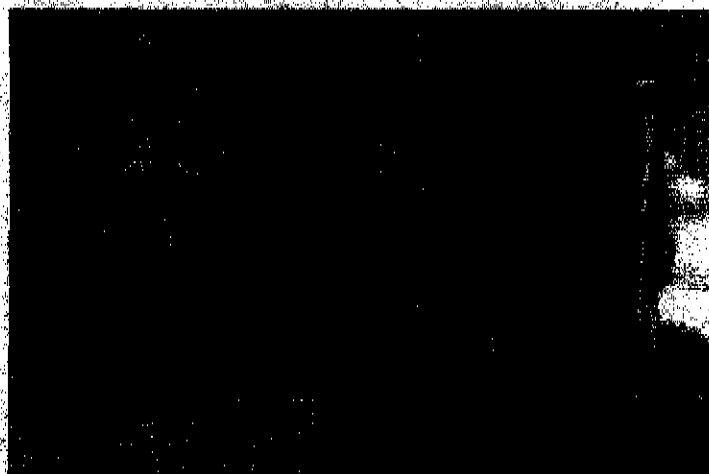
Guest Service Directories

Guest Room Accessories

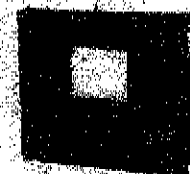
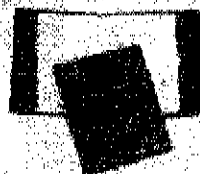
- Note Pad Holder
- In Room Dining
- Desk Blotter
- Stationery Portfolio
- Telephone Book Cover
- TV Guide Cover Remote Holder
- Wastebasket, Ice Bucket, Trays
- Closet Organizer, Lint Brush, Shoe Horn
- Miscellaneous

Meeting Room Accessories

- Blotter
- Executive Portfolio, Padfolio
- Desk Pad
- Meeting Tray
- Coaster



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Refine Search: BINDER

Documents: 1 - 9 of 9

Hit No.	Class	Description	Status	Effective Date	Type	Note	Trilateral
1	016	Binder clips	A	10 Apr 08	G	N	
2	016	Binders	A	02 Apr 91	G	N	T
3	016	Binders (office supplies)	A	20 Jul 04	G	N	T
4	016	Binders for office use	A	20 Jul 04	G	N	T
5	016	Binders for the office	A	20 Jul 04	G	N	T
6	016	Loose leaf binders	A	02 Apr 91	G	N	
7	016	Mechanical binder sets, comprising (specify components, e.g., rings, dividers, folders)	A	02 Apr 91	G	N	
8	016	Office binders	A	20 Jul 04	G	N	T
9	016	Three-ring binders	A	01 Oct 94	G	N	

Refined Search: BINDER

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Trademark ID Manual



Refine Search: MENU

Documents: 1 - 4 of 4

Hit No.	Class	Description	Status	Effective Date	Type	Note	Trilateral
1	016	Printed menus	A	01 Jun 01	G	N	
2	016	Printed products, namely, menu boards	A	01 Jun 01	G	N	
3	021	Menu card holders	A	22 Mar 07	G	N	
4	043	Consultancy services in the field of menu planning for others	A	04 Oct 07	S	N	

Refined Search: MENU

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Trademark ID Manual



Refine Search: DIRECTORY

Documents: 1 - 17 of 17

Hit No.	Class	Description	Status	Effective Date	Type	Note	Trilateral
1	009	Computer software for accessing information directories that may be downloaded from the global computer network	A	01 Jun 01	G	N	
2	009	Interactive computer kiosks comprising computers, computer hardware, computer peripherals, and computer operating software, for use in (indicate purpose of kiosks, e.g., providing directory assistance in a shopping mall, monetary transactions)	A	09 Feb 07	G	N	
3	016	City directories	A	02 Apr 91	G	N	
4	016	Classified directories	A	02 Apr 91	G	N	
5	016	Directories of (indicate subject matter)	A	01 Oct 94	G	N	
6	016	Directory boards	A	02 Apr 91	G	N	
7	016	Directory paper	A	20 Jul 04	G	N	T
8	016	Hotel directories	A	02 Apr 91	G	N	
9	016	Telephone directories	A	02 Apr 91	G	N	T
10	035	Commercial information and directory agency	A	02 Apr 91	S	N	
11	035	On-line business directories featuring (indicate subject matter, e.g., restaurants and bars) (on-line listing, not on-line publication)	A	01 Jun 01	S	N	
12	035	Providing an on-line commercial information directory on the internet	A	20 Jul 04	S	N	T
13	035	Providing an on-line directory information service featuring information regarding (indicate field or subject matter of information provided)	A	28 Sep 06	S	N	
14	035	Providing on-line directory information services also featuring hyperlinks to other web sites	A	01 Jun 01	S	N	
15	035	Telephone directory information	A	02 Apr 91	S	Y	
16	035	Telephone directory assistance services	A	04 Sep 01	S	Y	

17	038	Telephone call completion services for directory assistance customers	A	28 Sep 06	S	N
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